

CBSC STAFF REPORT

2004 Annual Cycle Monograph Item 2

PROPOSING STATE AGENCY:

Department of Housing and Community Development (HCD 3/04)

APPLICATION AFFECTED:

Privately-funded Residential Buildings, Employee Housing, Factory-built Housing, and Permanent Buildings in Mobile Home Parks.

SUBJECT:

Part 2, California Building Code, Volume 1, Changes to Chapters 1, 2 and 11A of Title 24, California Code of Regulations.

Part 2, Volume I

Changes to Chapter 1 include amendments to:

- Implement Civil Code Section 12955.1 into HCD administrative provisions
- Incorporating language from the Federal Fair Housing Amendments Act
- Modifying format of the section titles and the HCD 1 banners

Changes to Chapter 2 include amendments to:

- Amend cross-references to correlate with a completely rewritten Chapter 11A.
- Add new definition for "Light Frame" construction to identify the types of construction which could be deemed as light frame.

Repeal of existing Chapter 11A and complete revision and reorganization of Chapter 11A language for clarification and compliance with state and federal law, including

- Formatting the chapter based on Divisions which progress from exterior site and building requirements to interior building requirements
- Updating figures at the end of Chapter 11A to correlate with language in the new chapter.

FINDINGS:

CBSC Code Advisory Committee Comments/Recommendations

CBSC's Access Code Advisory Committee (A CAC) recommended approve as submitted/resubmitted.

(See pages 1-39 through 1-167 for Access of the May, 2005 Code Change Monograph, Volume I.)

Public Comment & Agency Responses to Comments

1. Sub-item 2-4 Commenter #1 Ewa O'Neil, City of Los Angeles, requests that HCD revise the note for Section 1102A.2 to include reference to new additions to public use areas to existing residential facilities constructed after March 13, 1991, based on criterion #6: (See page 11 of the October, 2005 Public Comment Monograph)

Response by agency: HCD responded indicating they propose to amend 1102.A.2 to resolve the potential conflict identified by Ms. O'Neil, but they did not say how. (See page 2 of the Final Statement of Reasons, which follows this report)

Staff Findings

CBSC staff considered HCD's response confusing, but found when reviewing the final express terms that the Department has responded to Ms. O'Neil's comment by adding language to Section 1102A.2 to reference Chapter 11A for new common use areas for existing covered multifamily dwellings. With this response it appears HCD's response in final express terms meets the intent of the APA.

2. Sub-item 2-4 Commenter #2 Eugene Lozano Jr., California Council for the Blind Inc. requests Approve as Amended, based on criteria # 2, 3, 5 & 7, Section 1112A.9 to revise for the center to center spacing of domes in detectable warning surfaces to 2.0" in lieu of the proposed range of 1.67" minimum to 2.35" maximum. (See pages 12 through 14 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change in response to the comment, because the CBSC A CAC previously recommended that HCD and the Division of the State Architect coordinate the spacing requirements and comply with the Americans with Disabilities Act Guidelines. As a result of this recommendation

HCD correlated regulations with the Division of the State Architect. (See pages 2 & 3 of the Final Statement of Reasons)

3. Sub-item 2-4 Commenter #21 Dirk Neyhart, Public Member, asks that provisions for detectable warning surfaces, as shown in Section 1112A.9, improve mobility and safety for persons who rely on them for independent travel. (See pages 11 & 12 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because it is consistent with the Division of the State Architect and intends to follow the lead set by that Department in the development of standards, location, and dimensions of detectable warning surfaces to be used in California. (See page 8 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

4. Sub-item 2-4 Commenter #20 Chad F. Allen, Public Member, opposes:
 - Detectable warning surfaces at curb ramps because they confuse the pedestrian as to the nature of the hazard, e.g., rail platform or street crossing;
 - Lengthening the depth of detectable warnings from 24" to 36", because it is unnecessary.(See page 15 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because it is consistent with the Division of the State Architect and intends to follow the lead set by that Department in the development of standards, location, and dimensions of detectable warning surfaces to be used in California. (See page 7 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

5. Sub-item 2-4 Commenter #3 Eugene Lozano Jr., California Council for the Blind Inc. requests Approve as Amended, based on criteria # 2, 3, 5 & 7:
 - Section 1115A.5 to require striping at all treads at interior stairways, and to
 - Specifically prohibit the use of grooves to identify treads.(See pages 15 & 16 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because the changes proposed by the commenter are substantive and beyond the scope of this rulemaking. (See page 3 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

6. Sub-item 2-4 Commenter #5 Michael Graham, Chief Building Official, City of Woodland and commenter #6, Daniel Larsen, CALBO Access Committee request, based on criteria # 1, 2, 3, 4 & 6, Approve as Amended:
 - Section 1118A.1 for grammatical revisions, and to
 - Add an exception to exempt areas of evacuation assistance on the upper floors of non-elevator Group R, Division 1 buildings and multistory dwelling units which are required to be accessible by Section 1102A.3.1.(See page 17 and 18 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations because Section 1118A.1 only applies to accessible floors. Section 1118A.1 further qualifies that areas of evacuation assistance are only required where buildings or portions of buildings are required to be accessible. (See pages 3 and 4 of the Final Statement of Reasons, which follows this report)

Staff Findings

CBSC staff finds HCD's response misleading, because the comment could be addressing a primary entry level above the first floor, accessible by ramp, in multistory dwellings without an elevator regulated by §1102A.3.1. In those buildings, there should be no exits required by Chapter 10 that are not accessible.

7. Sub-item 2-4 Commenter #4 Ewa O'Neil, City of Los Angeles requests Approve as Amended, based on criteria # 1 & 6, to answer whether section 1118A.1, exception 1, exemption from evacuation areas in new

buildings with supervised sprinkler systems, can be used to exempt stair shaft components (doors, landings, etc.) from access requirements. (See page 19 of the October, 2005 Public Comment Monograph)

Response by agency: HCD reviewed this issue and proposes to make no change to the regulations, because exception 1 covers only areas of evacuation assistance. The other provisions contained in Chapter 10 and Chapter 11A apply and are not affected by the exception. (See page 3 of the Final Statement of Reasons, which follows this report)

8. Sub-item 2-4 Commenter #7 Ewa O'Neil, City of Los Angeles requests Approve as Amended, based on criteria # 1 & 6, Section 1118A.1, exception 2 to clarify that an addition that meets the definition of a covered multifamily dwelling when considered alone is not exempt from the provisions for areas of evacuation assistance. (See page 19 of the October, 2005 Public Comment Monograph)

Response by agency: HCD concurs with this suggestion and has amended Section 1118A.1 exception 2 to clarify that additions are not exempt if when considered alone they meet the definition of a covered multifamily dwelling as specified in §1102A.2. Section 1118A.1 is jointly adopted with the Office of the State Fire Marshal, and this was coordinated with the State Fire Marshal's Office. (See page 4 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

9. Sub-item 2-4 Commenter #8 Eugene Lozano Jr., California Council for the Blind Inc. requests Approve as Amended, based on criteria # 2, 3, 5 & 7, Section 1124A.3.3.2 to specify the illumination of elevator car control buttons. (See page 20 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because this request is a substantive change outside the scope of this rulemaking. HCD's proposed language appears to be in substantial compliance with ANSI A-117 and with the Division of the State Architect. (See page 4 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

10. Sub-item 2-4 Commenter #9 Eugene Lozano Jr., California Council for the Blind Inc. requests Approve as Amended, based on criteria # 2, 3, 5 & 7, Section 1124A.4 to specify illumination and mechanical activation of hall call buttons, to correlate with car control buttons. (See page 21 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because this request is a substantive change outside the scope of this rulemaking. HCD's proposed language appears to be in substantial compliance with ANSI A-117 and with the Division of the State Architect. (See pages 4 & 5 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

11. Sub-item 2-4 Commenter #11 Ewa O'Neil, City of Los Angeles requests Approve as Amended, based on criteria # 1, conflicting language in Section 1003.3.1.5 and language proposed by HCD in Section 1132A.6 for door opening forces. (See page 22 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes no change to the regulations, because the sections in question both need to be maintained without revision. Section 1003.3.1.5 is applicable to areas of a building which are not required to be accessible while section 1132A.6 only applies to buildings or portions of buildings required to be accessible. (See page 5 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

12. Sub-item 2-4 Commenter #10 Michael Graham, Chief Building Official, City of Woodland and #13 Daniel Larsen, CALBO Access Committee, request Approve as Amended, based on criteria # 1, 2, 3, 4, 5, 6, 7, 8, & 9, Section 1132A.8.1 to add an exception which would exempt interior passage doors within covered multifamily dwelling units from compliance with Part 12, Title 24, Section 12-10-202 (f)

(See pages 23 and 24 of the October, 2005 Public Comment Monograph)

Response by agency: The Department concurs with this suggestion and has amended Sections 1132A and 1126A.6.1 to be in compliance with the regulations adopted by the State Fire Marshal for R and U Occupancies with an occupant load exceeding 10. (See pages 5 and 6 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

13. Sub-item 2-4 Commenter #12 Hal Kelton, Sierra Pacific Sales requests Disapproval of Section 1132A.8.1 for the following reasons:

- Adoption of Section 1132A.8.1 as written will create ambiguity and inconsistent enforcement, since it refers to a section hidden in Part 12.
- The idea that the ½" return on lever type hardware prevents catching of clothing is fallible.

(See page 139 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the provisions of §12-10-202, which is under the authority of the State Fire Marshal for Group R and U occupancies with occupant load exceeding 10. See SFM 3/04 for State Fire Marshals response to this commenter. (See page 5 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

14. Sub-item 2-4 Commenter #14 Eugene Lozano Jr., California Council for the Blind Inc. requests Approved as Amended, based on criteria # 2, 3, 5 & 7, Section 1133A.4 to include requirements for countertops to prohibit sharp/abrupt edges or angles where two or more planes meet.

Response by agency: HCD proposes to make no change to the regulations, because this request is a substantive change outside the scope of this rulemaking. (See page 6 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

15. Sub-item 2-4 Commenter #16 Eugene Lozano Jr., California Council for the Blind Inc. requests Approved as Amended, based on criteria # 2, 3, 5 & 7, Section 1134A.4 to require signage for room identification within a dwelling unit.. (See pages 25 & 26 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because it could not find substantiation for the required identification of bathing and toilet facilities inside a private dwelling unit. (See page 6 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

16. Sub-item 2-4 Commenter #15 Ewa O'Neil, City of Los Angeles requests Approve as Amended, based on criteria # 6, Section 1134A.4 Sufficient Maneuvering Space to include reference to Figure 11A-1D. (See page 26 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because, since the suggestion would impose the same turning and area requirements inside a dwelling unit bath and toilet room as required in public accommodations and public use areas, this request is a substantive change. (See page 6 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

17. Sub-item 2-4 Commenter #17 Eugene Lozano Jr., California Council for the Blind Inc. requests Approved as Amended, based on criteria # 2, 3, 5 & 7, Section 1135A.1 to include requirements for Braille or large print

labels to be installed on washers and dryers inside individual dwelling units. (See page 27 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because this request is a substantive change outside the scope of this rulemaking. (See page 7 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

18. Sub-item 2-4 Commenter #18 Eugene Lozano Jr., California Council for the Blind Inc. requests Approve as Amended, based on criteria # 2, 3, 5 & 7, Section 1141A to require swimming pools serving covered multifamily dwellings be provided with a strip delineating the nosing of each tread at steps used in and out of the swimming pool. (See page 28 of the October, 2005 Public Comment Monograph)

Response by agency: HCD proposes to make no change to the regulations, because this request is a substantive change outside the scope of this rulemaking. (See page 7 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's submittal appears to be compliant with the Administrative Procedure Act and Building Standards Law.

19. Sub-item 2-4 Commenter #19 The California Building Standards Commission, (CBSC) Access Code Advisory Committee (A CAC):

At the January 26, 2005 A CAC meeting the Committee directed HCD to coordinate with the Division of the State Architect to correlate the signage requirements in Chapter 11A with those in Chapter 11B. The Division of the State Architect received comments regarding the finish and contrast of signage in Chapter 11B during the public comment period.

Response by agency: HCD is proposing to revise Section 1143A.5 to eliminate specifications for finish and contrast to remain consistent with The Division of the State Architect and continue to comply with the direction offered by the A CAC. (See page 7 of the Final Statement of Reasons, which follows this report)

Staff Findings

HCD's Final Statement of Reasons shows that A CAC made a recommendation to HCD and DSA/AC during the CAC meetings prior to the beginning of the 2004 cycle. This is being shown by HCD as a public comment received from CBSC during the public comment period, but CBSC made no comment during the public comment period.

COMMISSION ACTION:

For efficiency, staff recommends that the Commission act on the uncontested sub-items in one motion, and act on the remaining sub-items individually.

The Commission may take any one of the following actions on this item:

- ❖ **Approve**
- ❖ **Disapprove**
- ❖ **Approve as Amend**
- ❖ **Further Study**